

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James Roy Mickelson,

Plaintiff,

v.

Civ. No. 06-995 (JNE/SRN)  
ORDER

Carol Holinka, Warden, and  
Michele Kunkel, Case Manager,

Defendants.

In a Report and Recommendation dated January 19, 2007, the Honorable Susan Richard Nelson, United States Magistrate Judge, recommended that Defendants' Motion for Summary Judgment be granted. Plaintiff filed no objection but did file a motion to appoint counsel. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). To the extent that Plaintiff objects to the Report and Recommendation in his motion, the Court rejects Plaintiff's arguments and adopts the Report and Recommendation. The Court also denies Plaintiff's request for counsel. Plaintiff has no right to, and the circumstances of this case do not warrant, appointed counsel. *See Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006). Accordingly, IT IS ORDERED THAT:

1. Defendants' Motion for Summary Judgment [Docket No. 10] is GRANTED.
2. Plaintiff's motion for appointment of counsel [Docket No. 21] is DENIED.
3. This case is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 20, 2007

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge